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SUBJECT: PARLIAMENT PASSES POLITICAL PARTY CHARTER,
AVERTING OPPOSITION BOYCOTT OF 2010 ELECTIONS

REF: NDJAMENA 294

SUMMARY

¶1. (SBU) The National Assembly passed a key law supplementing the July 16 law regulating political parties (Political Party Charter) that provoked opposition outrage. The supplemental law added to the Charter law a controversial provision that prohibits elected officials from switching parties after election (AKA "political nomadism"). This averted a threatened boycott by opposition parties of legislative elections set for 2010. The government majority in parliament reversed its earlier opposition to the anti-nomadism provision and voted in favor of the law, which now awaits final approval by the Constitution Court before President Deby signs it and the Political Parties Charter into law. END SUMMARY.

GOVERNMENT RETREATS

¶2. (SBU) The President of the National Assembly -- constituted 80 percent of government party members -- ordered the body July 21 to reexamine Article 33 and draft a new law to address the omission in the Political Party Charter, after the Prime Minister July 18 admonition to government and opposition parliamentarians to resolve issues over the electoral process. Opposition members had threatened a boycott when a clause prohibiting "political nomadism," the switching of parties by elected officials, was removed from the Political Parties Charter approved July 16 by the National Assembly. The opposition party members had supported this article as a way to keep the government from "buying" deputies, who would then cross the aisle to the government's ruling MPS party.

¶3. (SBU) The General Policy Commission of the National Assembly developed an "organic law," (similar to an amendment or supplemental law) largely addressing the elements of former Article 33, namely that any elected official at every level may not break from his/her party for the benefit of another political party. A break from one's original party for this reason would invalidate the election. The dissolution of one's political party does allow the elected official to remain in office, either as an independent or with the freedom to choose another political party.

SOLUTION WITHOUT FINAL RESOLUTION

¶4. (SBU) Adopted July 24 by the National Assembly, the Organic Law on the Relationship between Political Parties and their Elected Officials must be reviewed by the Constitutional Court for conformity with the constitution. If the Constitutional Court finds the law constitutional, both the organic law and the Political Parties Charter law will be sent to President Deby for final signature. Given the Constitutional Court's independence from the National Assembly, the approval process by the court could take a few weeks to several months. A rejection of the organic law by the court would trigger revision by the National Assembly and approval of by deputies. The General Secretary of the Government told us that he does not believe the organic law unconstitutional and supports the spirit of August 13 Accord between the government and the political opposition aimed at reforming the electoral process.

Comment

¶5. (SBU) The July 24 passage of the supplemental law was a victory for the right way to do politics. The compromise extended by the government and accepted by the opposition is a good thing. It is important that the government accommodates legitimate opposition concerns and avoids giving the opposition justification to boycott elections slated for 2010. We hope that this spirit of bipartisanship also imbues the work of the newly constituted Independent Electoral Commission (CENI) as they move forward with the electoral census. END COMMENT.
NIGRO